

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, May 19, 2004, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Eugene Carroll, Dan Marvin, Gerry Krieser, Tommy Taylor and Mary Bills-Strand (Roger Larson, Melinda Pearson and Lynn Sunderman absent); Marvin Krout, Kent Morgan, Stephen Henrichsen, Duncan Ross, Mike DeKalb, Ed Zimmer, David Cary, Jean Walker and Teresa McKinstry of the Planning Department; other departmental staff; media and other interested citizens.

STATED PURPOSE OF MEETING: Special Planning Commission Meeting
Special Public Hearing on the 2004 Annual Review of the 2025 Lincoln City-Lancaster County Comprehensive Plan; the FY 2004/05-2009/10 City of Lincoln Capital Improvements Program; and the FY 2005-2007 and 2008-2010 Lincoln City/Lancaster County Transportation Improvement Program.

Chair Mary Bills-Strand called the meeting to order and discussed the procedures for the hearing and action.

The Clerk announced that **Comprehensive Plan Amendment No. 04014**, to change approximately 600 acres from Priority B, Tier I, to Priority A, Tier I, generally located between N.W. 56th Street and N.W. 70th Street from West Adams Street to West Superior Street, has been **withdrawn** and will not be called for public hearing.

Staff presentation:

Steve Henrichsen of Planning staff overviewed the Annual Review process. This year's Annual Review includes 14 amendments. In addition, the staff has provided the Commission with a separate report of ongoing activities listing the many studies that are called for in the plan and their current status. There is also a Benchmark Indicators Report in terms of job growth, building permits, etc., and this report will become more of a review item next year as it will have been three years since the adoption of the Comprehensive Plan, which is the time period called for to review the trends to see if any adjustments need to be made.

*(**Editorial Note:** The vote on the Comprehensive Plan Amendments was taken after all of the amendments had been heard. The action on each Comprehensive Plan Amendment is inserted at the end of each hearing within this document for purposes of organization.)*

Ex Parte Communications: There were no ex parte communications disclosed on any of the Comprehensive Plan Amendment, the CIP or the TIP.

**COMPREHENSIVE PLAN AMENDMENT NO. 02001A,
TO AMEND THE 2025 LINCOLN/LANCASTER
COUNTY COMPREHENSIVE PLAN,
TO CHANGE APPROXIMATELY SIX ACRES
FROM URBAN RESIDENTIAL TO COMMERCIAL,
GENERALLY LOCATED AT 84TH STREET AND KARL RIDGE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Mike Marsh, Vice President of **Realty Trust Group**, appeared to answer questions.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carlson moved approval, seconded by Carroll and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04003,
TO INCLUDE THE 2003 LINCOLN PUBLIC SCHOOLS
COMPREHENSIVE DISTRICT MASTER PLAN AS AN APPROVED
COMPONENT OF THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Scott Wieskamp, Director of Facilities for LPS, stated that the final report and executive summary of a Comprehensive District Master Plan was completed about a year ago and has been previously provided to the Planning Commissioners on cd. Lincoln Public Schools believes this study is an important part of the Lincoln-Lancaster County Comprehensive Plan.

Marvin inquired as to the student population growth rate assumptions. Wieskamp did not have an answer but offered to provide the information.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Marvin moved approval, seconded by Krieser and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04004,
TO UPDATE AND AMEND THE TRAILS AND BICYCLE
FACILITIES PLAN MAP IN THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, BY REMOVING THE PROPOSED
TRAIL ALONG SUN VALLEY BOULEVARD FROM NORTH
OF "P" STREET TO CHARLESTON STREET
(LOCATED JUST WEST OF THE COMPLETED PARALLEL
SALT CREEK LEVEE TRAIL), ADDING A FUTURE TRAIL
SEGMENT CROSSING HIGHWAY 77 ALONG PIONEERS
BOULEVARD, MAKING SEVERAL REVISIONS TO THE
TRAILS PLAN, AND UPDATING THE MAP TO INDICATE
COMPLETED PROJECTS.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Mike Brienzo of Public Works & Utilities presented the proposed amendment to make several adjustments to the trails plan. The city is looking to take advantage of a couple new alignments. One is the realignment along N.W. 56th Street from Holdrege to Adams. The other realignment would be on "A" Street as it connects with Coddington. A trail segment has been added on Pioneers Boulevard as it crosses US Hwy 77. The purpose is to make sure that if the interchange is put into place, there is a pedestrian facility included with that project. The Sun Valley Boulevard trail is being removed since that is a duplication of the Salt Creek Levee Trail. Transportation enhancement funds were used for the Salt Creek Levee Trail and it functions to serve that area.

Carlson clarified that we aren't exactly deleting four trails but just getting better and different alignments. Brienzo concurred.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Taylor moved approval, seconded by Carroll and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

COMPREHENSIVE PLAN AMENDMENT NO. 04005,
TO UPDATE AND AMEND THE 2025 LINCOLN AREA
STREET AND ROADWAY IMPROVEMENT MAP
AND RELATED TEXT IN THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, BY ADDING A HIGHWAY 2
CORRIDOR STUDY FROM 9TH STREET TO THE 56TH STREET
AND OLD CHENEY ROAD INTERSECTION,
ADDING AN AREA STUDY IN THE VICINITY OF
98TH STREET AND HIGHWAY 2,
AND UPDATING THE 2025 STREET AND ROADWAY
IMPROVEMENT MAP REGARDING VARIOUS
COMPLETED PROJECTS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Mike Brienzo of Public Works & Utilities explained that this brings the map up-to-date with projects that have been completed. Two studies have been added: 1) Highway 2 study from 9th/10th and Van Dorn to 56th Street—this study will look at the intersections to maintain traffic flows within that corridor; and 2) 98th & Hwy 2 area. There are some connections that were in question including the Village of Cheney on the east side. The purpose is to make sure to accommodate urban growth in the future.

2. Mark Hunzeker appeared on behalf of **Apple's Way, LLC** and **UNO Properties**, the owners of approximately 62 acres lying south of Hwy 2, east of the intersection of Hwy 2 and Old Cheney, and west of 66th Street. Hunzeker's clients support the study of this corridor, but they believe that it is probably stopping short of where it should go to do a proper study of Hwy 2. As he understands it, the study's eastern boundary is at the eastern edge of the intersection of 56th, Hwy 2, and Old Cheney, where people are already doing all kinds of maneuvers around that triangle just to get where they need to go. This 62-acre parcel is being planned by the owners for substantial development, whether it be residential or commercial or some combination. There was an application made for change to commercial on this site earlier, which had been placed on pending. In any event, there has been a substantial amount of effort put into planning this site to make a smooth transition from the Trade Center on the west to the residential area on the south and residential area to the east. Whatever happens with this site, there will need to be some sort of access to Hwy 2. His clients are doing some traffic study work on this site which they believe will ultimately result in a changed configuration of those access points and hopefully a safer access onto Hwy 2. That entire mile from Hwy 2 and Old Cheney to 70th and Hwy 2 has no access with a signalized exit from that area south of Hwy 2 onto Hwy 2 to go west. The people who live in the Country Meadows area literally have to go all the way back down to Pine Lake Road to get to Hwy 2 to go west. Hopefully, a solution can be fashioned that will enable people to actually get to Hwy 2 in a signalized intersection, but unless this area is included in the study it is likely to end up being done as a stand-alone piece. As a realistic measure, the study should go to 70th Street, but at a minimum it needs to go to 66th Street. Hunzeker would be in favor of substituting 66th and Hwy 2 for 56th & Old Cheney Road as the eastern terminus of the study.

There was no testimony in opposition.

Carroll asked staff to respond to Hunzeker's suggestion. Brienzo reiterated that the proposal was to include the 56th Street and Old Cheney Road intersection area. The area to the east is identified as corridor preservation and the staff took the position that it should be handled independently and addressed as a proposal is brought forward. The purpose of "corridor preservation" is to not include traffic signals or strip development along the corridor. We do not have a proposal before us for the 66th & Hwy 2 area, so it would be difficult to address.

Marvin inquired how the property can be developed if there is corridor preservation precluding any traffic lights. Doesn't the fact that it is a preserved corridor eliminate or substantially reduce the options on that parcel of land? Brienzo responded that it could include traffic signals and still preserve the corridor. It just has to be specifically identified and an indication

of how it is going to be managed, but that would be project specific. There has been some discussion about providing access to 56th Street, but the staff has not reviewed that in detail because the proposal has changed several times. There is nothing specific for the staff to address at this time.

Carroll clarified that the staff would like to wait for the proposed development and traffic study for the area between 56th and 70th Street, and then work with the developer as far as design. Brienzo concurred. That way we can involve the traffic engineer and city engineer in those discussions.

Carlson noted that the current use is designated as urban residential and he assumes the traffic planning is being based on that urban residential use. Brienzo agreed. The transportation planning addresses the urban residential use.

Marvin noted that the map shows a completed project on Old Cheney. Brienzo clarified that Old Cheney from 62nd to 70th was recently completed as a 4-lane roadway. That did not address the intersection of 56th & Old Cheney.

Bills-Strand noted that the staff report proposes that:

The Highway 2 Corridor Study is to include the segment of Highway 2 from 9th/10th & Van Dorn Streets to the 56th and Old Cheney Road intersection area. This study will be divided into phases, or segments, to accommodate a detailed evaluation of the transportation system for safety, operational and capacity issues, and intersection needs. Critical operational and design deficiencies will be identified and improvements will be recommended. Rail, pedestrian and bicycle issues and facility connections within the corridor will be addressed as part of the study.

Since we've already got residential on the south side of Highway 2, and we're obviously going to fill in that spot in the near future, it seems like we should include it for all of those reasons—capacity, safety, etc. Would it be a problem extending the study to 66th Street for these reasons? Brienzo believes that it could be extended. Instead of looking at the corridor in one giant piece, the intent was to break it up into segments to make it a little more manageable. If the Commission desires to extend the area of the study, any proposals coming forward on that site would have to be addressed independent of this study.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Marvin moved approval, seconded by Carroll.

Bills-Strand moved to amend to extend the study to 66th Street and Highway 2, seconded by Carroll.

Bills-Strand commented that there are people living south that should be included in the study. She does not want them excluded as part of the study.

Carroll noted that Public Works said it would not be a problem to extend it to 66th Street. If we're going to study something, we might as well study it all. This does not say any changes are going to be made. He believes that it will only improve the area by studying it.

Carlson is concerned and wanted to make it clear that this is not a back door approval of that particular use. He has seen that area come forward as a comprehensive plan amendment every single year he has been on Planning Commission. He wants it clear that this action does not support the tract in that particular area.

Marvin believes there is a reason to cut off at 56th & Old Cheney because the rest of the land is not residential. The southern side of Highway 2 through that area is residential and he is torn about the opportunity to create that as commercial, such as putting another light in there and a lot more traffic.

Carroll believes the study would lead credence to the fact that it should be a protected corridor and not allow entrance on and off Highway 2. Ideally, people will see that in the study and will not try to put more development on that area. The reason we have studies is to improve it one way or the other. The study does not say we are going to approve development there, but we need to study it and see what the answer might be.

Motion to amend to extend the study to 66th and Highway 2 carried 4-2: Carlson, Carroll, Krieser and Bills-Strand voting 'yes'; Marvin and Taylor voting 'no'; Larson, Sunderman and Pearson absent.

Main motion, as amended, carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04006,
TO UPDATE AND AMEND THE FUTURE ROAD
IMPROVEMENTS IN COUNTY MAP
IN THE 2025 LINCOLN/LANCASTER
COUNTY COMPREHENSIVE PLAN
BY INDICATING COMPLETED PAVING PROJECTS
AND ADDING SEVERAL ROADS AS POTENTIAL
PAVING PROJECTS THROUGHOUT THE COUNTY.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Mike Brienzo of Public Works & Utilities explained that this is the county element of the Long Range Transportation Plan (LRTP). Other than the number of projects that are being identified as completed projects, there are four that are being added to the map: One in the Waverly jurisdiction; two are for access to rural schools--one in Malcolm and one in Norris; and the fourth project is to access a state regional recreational facility.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved approval, seconded by Marvin and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04009,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, TO CHANGE APPROXIMATELY 124
ACRES FROM AGRICULTURE, GREEN SPACE AND ENVIRONMENTAL
RESOURCES TO LOW DENSITY RESIDENTIAL,
GENERALLY LOCATED SOUTH OF
CROOKED CREEK GOLF COURSE,
NORTH OF "A" STREET, WEST OF 134TH STREET
AND EAST OF STEVENS CREEK.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Denial

Proponents

1. Peter Katt appeared on behalf of the landowner, **Steve Champoux of Prairie Homes**. There is a lot of history with regard to this property and its request to be converted to a residential acreage project. Back in the early 70's, this property was preliminarily platted with virtually the same density as the Emerald SID—about 1-acre lots. That plat was not built upon and it expired.

Dating back to the 1995-96 Comprehensive Plan, there was an identified weakness in the county component. It was decided at that time to adopt the Comprehensive Plan and update the county component at a later date.

In 1998, when there was nothing brought forward on the county component, Champoux elected to file an amendment trying to convert this area to low density residential (AGR), 1 dwelling unit per 3 acres. The reason for that then is still valid today. There are virtually no acreage low density residential lots available for development east of Lincoln. This property is within less than 1/4 mile of existing paved county roads and less than a mile from "O" Street. There is plenty of water and it is within a school district that wants additional development (Waverly).

In 1998, we agreed to put the application on pending because it was said that "we're still working on the acreage component". The 2002 Comprehensive Plan excited Katt and his client because there was a component that said "we're going to develop some criteria against which to judge acreage development sites". Now, two years later, we only have "drafts" of these acreage components.

Katt stated that the purpose of this request is an attempt to make sure that we continue this discussion and answer the question: is this an appropriate location for AGR density residential development? Katt believes that the staff report includes all of the components that are favorable in terms of what the developer is willing to do.

With regard to the Stevens Creek watershed, floodplain and green space, Katt stated that the property would be developed through a community unit plan and all of those areas would be preserved and dedicated at no cost to the NRD.

With regard to street paving, Katt stated that the paving would be extended all the way to "A" Street next to the county maintenance shed.

Katt concluded, stating that this is a good location for acreages. It is on the east bank of Stevens Creek. It is not projected anytime within the next 50 years that there will be urban development in this area. It is readily accessible to a state highway system that can be connected through 134th Street. This area of Stevens Creek has excellent quality and quantity of groundwater. It is adjacent to existing AGR zoning, the Crooked Creek Golf Course development. Katt submitted that this location meets all of the criteria for a good location for AGR development in the county. The desire is to get this property to the point where the developer can bring forward a specific plan that can be approved.

Marvin inquired how this would boost the tax base of Waverly. Katt explained that he meant the Waverly Public Schools. There are large portions of the Waverly School District that are being swallowed up by the city of Lincoln, affecting their school's tax base, and the school district likes the growth in its tax base that this development would bring.

There was no testimony in opposition.

Carlson asked for a staff response to the suggestion that, with some improvements, this is a prime acreage spot. Mike DeKalb of Planning staff suggested that the key is probably that the applicant is representing that they will comply with a number of conditions when they bring the community unit plan forward. The staff's review does not include the review of a community unit plan on this property. As raw land, the staff finds that there is no substantial difference from the other land in Stevens Creek or in the 3-mile jurisdiction that would raise this property up to a level above the other property pre-designated for acreage development. The County Engineer indicated deficiencies in the road system. Other than being adjacent to AGR, DeKalb does not see this being substantially different than a mile either side of "O" Street. Many of the Waverly students go to LPS, yet the tax base goes to the Waverly School District, so it is a unique circumstance.

Carlson pointed out that this property could be developed as an AG community unit plan as it sits. But, if changed to AGR, it could be developed without those concessions. DeKalb clarified that if they get pre-designated to acreage zoning, the zone change does not require a preliminary plat. If they come in with a straight plat, we have very little latitude, if any, to put conditions on it. This property did come up in conjunction with the development of Crooked Creek, and staff has consistently said that this is not an appropriate location for change of zone to AGR.

Response by the Applicant

Katt responded, stating, "obviously, we are in a transition phase in acreage development in Lancaster County". The former history of the Comprehensive Plan was that you couldn't get AGR zoning without the right color on the map. Now we're moving "somewhere in between" with an "unadopted" scoring concept. If we come in for AGR with an AGR community unit plan, it costs money and time to bring forward a good plan. If this is not an appropriate place in the county for AGR, why should that property owner invest the time and money? He does not believe that a Comprehensive Plan change showing this as an appropriate location for AGR guarantees that the change of zone will occur. All of the same standards will apply when the change of zone is requested with the community unit plan. His client would like an opportunity to bring that proposal forward upon approval of this amendment.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carlson moved to deny, seconded by Marvin.

Carlson agreed with the staff analysis and comments. We've got some environmental resource area issues. He is somewhat sympathetic to the argument that they are trying to figure out the process but he does not believe there is that much confusion. The issue is whether it is appropriate for acreages or not, and the staff is saying it is not. He also does not believe it is appropriate.

Carroll commented that AG to AGR adds density that probably is not warranted in this area. It is a nice place to develop, but because of the natural resources and green space that should be in that Stevens Creek area, he believes the staff is correct in recommending denial. We need to preserve and keep the AG in place.

Bills-Strand is in favor of preserving the land and the density.

Motion to deny carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04011,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN AND THE “SOUTHEAST
LINCOLN/HIGHWAY 2 SUBAREA PLAN”,
TO CHANGE APPROXIMATELY 10 ACRES FROM
URBAN RESIDENTIAL TO COMMERCIAL;
AND TO CHANGE APPROXIMATELY 60 ACRES
FROM LOW DENSITY RESIDENTIAL TO URBAN RESIDENTIAL,
GENERALLY LOCATED ON THE SOUTH SIDE OF HIGHWAY 2,
FROM 75TH STREET TO 84TH STREET, NORTH OF AMBER HILL ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Denial of the change from Urban Residential to Commercial; approval of the change from Low Density Residential to Urban Residential.

Duncan Ross of Planning staff submitted an email from the owner of 7740 Porsche Lane in opposition.

Proponents

1. Peter Katt appeared on behalf of the applicant, **Prairie Homes and Steve Champoux**. This is an application that has been modified somewhat from its first submission. The applicant has reduced the area from a broader area surrounding the property to limit it only to the property under contract with Prairie Homes. This change was made after three meetings with the neighborhood.

This is a request to make a relatively minor change in the Southeast Lincoln/Highway 2 Subarea Plan in an attempt to take advantage of the community's investment in roads and sewer, and the current shortage of vacant lots, by allowing this tract to be brought in at more urban residential density development as opposed to low density. The developer wants to develop this site generally at an urban density of 3-4 dwelling units/acre.

In discussions with the neighborhood, the intent is to try to blend that density as it approaches the buffers of the neighbors. The discussions with the neighbors have not been completed and they will continue.

In order to have an urban density development, it needs to be connected to the city by hard surface roads. That is probably the biggest challenge to this project, but the developer expects to continue to work with the neighbors, the city and county in trying to meet that challenge.

This amendment also requests commercial along 84th & Hwy 2, but the staff is recommending denial of the commercial designation. The commercial was proposed because it is rather difficult to find residential uses that want to be next to that type of roadway and across from Walmart, etc. However, Katt stated that his client is willing to live with the staff's recommendation to continue with the urban residential. The type of urban residential development envisioned on what was proposed to be commercial will be something significantly different than single family--more along higher density townhomes to provide the buffer to the single family development along Hwy 2 and 84th Street. The applicant is in full support of the staff recommendation.

Marvin asked Mr. Katt to respond to the statement in the letter that says that the "developer's lawyer has struck fear into the hearts of many of the acreage owners". Katt stated that he did not intend to strike fear. His intent was to talk about the progression of development proposals that happen with parcels like this in the community over time, i.e. these are the types of large parcels that over time will become more intense as they become more valuable if not planned and designated. It is his opinion as more time goes forward, it is likely that this site will seek greater higher level intensity development rather than less. The likelihood that it will ever be developed at 1 or 2 dwelling units/acre is quite remote.

Opposition

1. Dick Bergt, 7600 S. 75th, testified as the representative of a 10-person committee composed of the neighbors, which committee represents approximately 55+ acreage homeowners in this area. They have had three meetings with the developer with good attendance. The committee has had one meeting with the developer to express the neighbors' concerns. The developer has responded to the neighbors by removing a share of the perimeter acreages to higher density and the neighbors are happy about that.

The transition between the neighbors' acreages (3-5 acres) and this development is a concern. Bergt showed a concept plan that was presented at the second meeting with the neighborhood. The committee and the neighbors are not in 100% agreement, but what he is representing today is probably what the majority of the neighbors agree upon. What we see are 200+ lots with 2000 trips per day on gravel roads--that is the primary issue. The neighbors have asked that the density on the perimeter be lessened, such as 1 house per every ½ acre, with minimum 100' rear property line. Another issue is the road standards. We only have right-in/right-out at Hwy 2 and 84th. Our neighborhood is going to take the brunt of people trying to come in and out. We would like to maintain the residential look and have a county road system of 22' of asphalt, but the city is recommending curb and gutter which means more money for the property owners, which the property owners do not support. We have asked the developer to at least pave the ring road.

As we discussed the uses, by and large the committee and the neighbors do support more of a commercial aspect as opposed to the higher density residential, as they believe it would be a better traffic situation.

2. Steve Nickel, 7941 Porsche Lane, testified as President of the **Family Acres Neighborhood Association**, which roughly covers the area that will be affected by this project. He requested the Commission's recognition of this area as a neighborhood. The neighborhood has been told that they are land that is yet to be developed, yet each neighbor has a major investment in a house sitting on that land. The neighbors understand that there are issues concerning acreages and build-through, and they are not opposed to the idea of build-through. However, they are opposed to the idea that the character of the neighborhood will change. These neighbors bought into previous comprehensive plans that indicated that this was an area that would be reserved for acreage development, and they have acted on that promise in good faith. They understand that they are labeled for low density residential which permits up to two houses per acre. At that density, the area could maintain its character as a neighborhood. The neighbors are requesting not to be forced into a color on the map that indicates high density residential. "Don't force us to provide the transition, and allow us to maintain the semi-rural character of our neighborhood." They desire the rural street section, which is not impossible with 2 houses per acre. In essence, Nickel stated that he is asking that the Commission not to change the surrounding area from low density to high density. He would hope that these neighbors will not be punished for believing and acting on previous comprehensive plans. Leave the existing acreages out of the change and many of the neighbors will be much happier.

3. Greg Wood, 7900 Amber Hill Road, testified on behalf of the **Amber Hill Neighborhood Association**. He stated that the Association generally supports Mr. Nickel and Mr. Bergt's testimony, with the exception that they do not necessarily approve the commercial development unless it is office use. They would also like to see a right-in/right-out at 84th Street and would support as many access points into the development as possible. This neighborhood would like to be included and influence how the area is developed.

Staff questions

Carlson noted that the orange designation has been referred to as high density; however, it is not density specific. It just indicates that it would be residential and not acreage. There is no maximum lot size in the residential zoning dictated by the orange color. Duncan Ross of Planning staff agreed, but in the conversations with the neighborhood the developer has indicated R-3 type development, which would get it to 3-4 dwelling units per acre.

Carlson commented about the staff recommendation to remove the 10 acres of commercial. What about the traffic issues? Ross noted that this is in the Southeast Lincoln/Highway 2 Subarea Plan. During the development of that subarea plan, the capacity of that roadway was evaluated and the commercial land use that is creating that traffic was evaluated in regard to capacity. The subarea plan indicated that there should not be any further commercial in this corridor. We do not have any traffic information to analyze as a result of this 10 acres as far

as what type of commercial use is anticipated, thus the staff recommendation of denial. Carlson believes the Comprehensive Plan also discusses not trying to strip commercial along both sides of Hwy 2. Ross concurred that to be a general comment throughout the Plan.

Response by the Applicant

Katt responded, stating that this is the first step in continuing to work with the neighbors and the city to bring forward a quality project of which everyone in this neighborhood can be proud. The existing neighbors would prefer a rural cross-section road connection; the city staff talks about urban cross-section streets. He reiterated that this is the first step of a process that will take some amount of time and they look forward to the opportunity and challenges.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Marvin moved to approve the staff recommendation, seconded by Carlson.

Marvin believes this is an appropriate use along Highway 2. He also believes that the townhomes along Highway 2 are appropriate.

In response to the neighbors not wanting curb and gutter, Bills-Strand went through this in Wilderness Ridge where the curb and gutter was added later, and she does not want anyone to have to go through that.

Carroll agrees with staff as far as the density. Increasing the traffic makes the gravel roads become a problem.

Bills-Strand used Cripple Creek as an example where the higher density residential blended in very beautifully with the urban acreages.

Motion approving the staff recommendation carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04012,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, TO CHANGE APPROXIMATELY
200 ACRES FROM INDUSTRIAL AND COMMUNITY CENTER COMMERCIAL
TO URBAN RESIDENTIAL AND NEIGHBORHOOD CENTER COMMERCIAL,
GENERALLY LOCATED NORTHEAST OF
NORTH 84TH STREET AND ADAMS STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Peter Katt appeared on behalf of **Prairie Homes**. At the time this application was filed, the property was in three separate ownerships, and continues to be as such. There are three separate 80-acre tracts of ground. The Jacoby farm parcel is held by the Jacoby family and those negotiations did not go anywhere and they are not interested in developing the property. With regard to the other two properties immediately east, the Hall and Perry property are currently under contract with Prairie Homes.

This property has been shown in the Comprehensive Plan as an employment center for quite some period of time. Mr. Albers, who represents the Hall family, had a provision that if this property did not develop as an employment center, his clients would request the opportunity for residential development. That is the proposal that Katt's client wishes to pursue on these two parcels. The infrastructure is in place. There is a looming lot shortage in Lincoln and this is appropriate for further urban residential development in the city. Katt's client is developing Prairie Village on the south side of Adams and would look to continue the same type of project on the north side of Adams.

Katt noted that there is a little bit of a challenge with the water main to the parcel. The sewer line is part of the Regent Heights sewer and there is a small portion in the northeast corner that will not be able to be sewered until the Stevens Creek sewer is brought up, but there are probably 200+ acres that can currently be sewered and water lines can be extended without too much difficulty.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Marvin moved approval, seconded by Carroll and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04013,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, TO CHANGE APPROXIMATELY
160 ACRES FROM PRIORITY B OF TIER I
TO PRIORITY A OF TIER I,
GENERALLY LOCATED BETWEEN
N.W. 12TH STREET AND N.W. 20TH STREET,
FROM HIGHWAY 34 TO ALVO ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Peter Katt appeared on behalf of the applicant, **Prairie Homes**. This amendment request to change from Priority B to Priority A is to change a quarter section of ground that lies somewhat stranded between two Priority A's between Fallbrook and what is designated as employment center/industrial north of Kawasaki. Virtually all of the same infrastructure that will serve the Priority A areas needs to be extended to develop this Priority B area. The applicant is proposing to bring it forward as urban residential development. This property will develop as a logical extension of the Fallbrook residential development.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved approval, seconded by Krieser.

Carlson thinks it is appropriate. We've got some really interesting and creative development going on out there in terms of Fallbrook. He envisions that this developer will look to its neighbors and follow their lead.

Carroll believes it is a good place for smart growth. The utilities will be there so it is a good idea to move forward.

Motion for approval carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

COMPREHENSIVE PLAN AMENDMENT NO. 04014,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY
600 ACRES FROM PRIORITY B OF TIER I
TO PRIORITY A OF TIER I,
GENERALLY LOCATED BETWEEN
N.W. 56TH STREET AND N.W. 70TH STREET
FROM WEST ADAMS STREET TO WEST SUPERIOR STREET.

****** APPLICATION WITHDRAWN BY THE APPLICANT ON MAY 19, 2004******

COMPREHENSIVE PLAN AMENDMENT NO. 04015,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, TO CHANGE APPROXIMATELY
760 ACRES FROM PRIORITY B OF TIER I
TO PRIORITY A OF TIER I,
GENERALLY LOCATED EAST OF SOUTH 70TH STREET
ALONG YANKEE HILL ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. **Mark Hunzeker** appeared on behalf of the **Hansen family**, which owns the property at the southeast corner of 70th & Yankee Hill Road, which is the subject of the original application. Hunzeker agreed with the staff analysis that this property does conform to the Comprehensive Plan's definition of what is or should be Priority A of Tier I—those areas which are generally contiguous to the existing development of the city. This property is about ½ mile from property which is currently under development by Hampton Development and Ridge Development to the west, and which should be provided with basic infrastructure within 12

years, or by 2014. As staff points out, both the water and sewer are in the CIP which will facilitate service of this property. The relief sewer in Beal Slough is scheduled for 2006, and that trunk line will need to be extended from the eastern limits of the Hampton project up to 70th & Yankee Hill. Water improvements in both 2004 and 2006 will get water to this property. There is an additional main which will need to be extended for further development in the broader area outlined by staff in 84th Street, but that is not necessary to get this project underway. This is an area where a lot of construction has been and will be taking place over the next few years. The streets which will serve this area are also identified within the 12 year horizon. The applicant understands fully the caveats in the staff report relative to the uncertainty of funding of all of those improvements. Hunzeker submitted that this is an area that should be identified as Tier I-A, and, to the extent the funding availability is with us, we will have those improvements constructed under the usual process of the CIP and, if not, they may have to be arranged in some other extraordinary way, but he believes it is likely this property will develop in the very near future. Hunzeker agreed with the staff recommendation.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved approval, seconded by Carlson and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04016,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, TO IDENTIFY A "NORTHWEST TIER
STUDY" OF LAND IN TIER III OF THE URBAN GROWTH TIERS,
GENERALLY LOCATED FROM NORTHWEST 27TH STREET,
NORTH OF HIGHWAY 34 TO WEST "O" STREET,
WEST OF NORTHWEST 56TH STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. **Mark Hunzeker** stated that this application was originally made for a much smaller area in the vicinity of N.W. 48th and Hwy 34. In reviewing it, the staff is recommending that a much larger area be studied and Hunzeker concurs. The reason this proposal came forward is that, as we were looking at the Comprehensive Plan in the areas that were likely to be served with the existing facilities, we discovered that the lower end of the drainage basin which serves the

area has sewer capacity for approximately 1900 acres beyond what is identified as Tier I-A. Upon further inquiry, it was also discovered that there are some sewer improvements that are in the CIP budget over the next 2-3 years in that area, but, we discovered, somewhat to our chagrin, that the thinking at the moment was that those improvements would be sized only to serve those areas within Tier I. The thought was that maybe we should at least bring this into a little better long term focus so that some of the improvements would at least be sized to serve the ultimate area that could be served by the capacity down at the bottom of the pipe. We think this area is a good area for Lincoln to grow, especially with Highway 34 running right through it, which is scheduled for widening to four lanes out to Hwy 79. We have the state building a very large road that can be used by the city to serve urban development and we all know that we are woefully short of infrastructure dollars for street construction. We should take advantage of the state's road building program whenever possible to facilitate access in and out of our downtown. This is an area where construction of new homes will facilitate the future provision of more services for the Airpark area as well as opportunity to capture future commercial dollars that may otherwise not quite get into Lincoln.

Hunzeker pointed out that this is just a study to determine how much area is easily served. We think this is a good idea and it is very likely we will find that this is an area that can be served sooner rather than later with a lot of the same infrastructure that will be built to serve the area north of Highway 34 and west of Fallbrook. We're much closer to some of the existing infrastructure here than we are in other areas in Tier I-A of the plan.

There was no testimony in opposition.

Carroll moved approval, seconded by Krieser and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04018,
TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, BY AMENDING THE
“SOUTHEAST LINCOLN/HIGHWAY 2 SUBAREA PLAN”
TO SHOW BOTH A TEMPORARY AND PERMANENT
ACCESS TO CHENEY FROM 91ST STREET SOUTH
OF HIGHWAY 2, AND THE CLOSING OF
YANKEE HILL ROAD WEST OF 91ST STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Steve Henrichsen of the Planning Department explained that the Planning staff has been working with Public Works to put together this amendment as result of discussions with residents of Cheney. This amendment clarifies some of the points in terms of how the access will be provided to Cheney as the new 91st and Yankee Hill Road project is done in the future. The amendment also notes that the eastern access will be studied as part of an overall study of that intersection that was part of a previous comprehensive plan amendment.

Marvin believes that this is related to a couple of comprehensive plan amendments at 84th and Highway 2 and he wondered whether there are any pending studies about signalization of that area. Henrichsen stated that most of the signalization of Highway 2 and 84th was set with the commercial development on the northeast corner.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved approval, seconded by Marvin and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting ‘yes’; Larson, Sunderman and Pearson absent.

**COMPREHENSIVE PLAN AMENDMENT NO. 04019,
TO AMEND THE LINCOLN/LANCASTER COUNTY
COMPREHENSIVE PLAN, TO ADD TEXT AND A MAP ON
CAPITOL VIEW CORRIDORS; AND TO ADD TEXT
ON URBAN DESIGN, PUBLIC ART, AND
THE URBAN DESIGN COMMITTEE.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: Approval.

Proponents

1. Ed Zimmer of the **Planning Department** submitted three letters in support from the Downtown Lincoln Association, the Capitol Environs Commission and Lincoln Arts Council.

Zimmer explained that there are three or four concepts in this proposed language. The first sets the scene and tries to correct an omission or perhaps excessive streamlining of the past Comprehensive Plan, where the map that showed the Capitol View Corridors was not in the Plan and we would like to put that back in; there is also language urging fuller utilization of the Urban Design Committee which renders citizen advice on design matters to public bodies; and the amendment proposes to set a higher standard for public projects in the promotion of artworks in public places.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved approval, seconded by Carlson.

Carlson stated that this is the definite direction he has been pushing in terms of historic preservation and urban design. We are lucky to have an attractive city and he wants to make sure we keep pushing in that direction.

Carroll believes that the Capitol View corridor is important to protect and he wants to protect the urban design around it.

Motion for approval carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

*** Break ***

**THE PLANNING COMMISSION REVIEW EDITION
OF THE CITY OF LINCOLN'S DRAFT SIX YEAR
CAPITAL IMPROVEMENTS PROGRAM (CIP)
FOR FY 2004/2005-2009/2010.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 19, 2004

Members present: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand; Larson, Sunderman and Pearson absent.

Staff recommendation: A finding of full and/or general conformance with the Comprehensive Plan.

1. Duncan Ross of the **Planning staff** reviewed the role of the Planning Commission in terms of the Capital Improvements Program (CIP) and Transportation Improvement Program (TIP). As specified in the City Charter, the role of the Planning Commission is to determine if the capital projects are in conformance with the Comprehensive Plan. According to the Charter, the City Council ordinances and resolutions dealing with the CIP cannot be acted upon until a finding of plan conformity has been made by the Planning Commission and/or Planning Department. However, the Charter does not prohibit the City Council from approving projects not in conformance, but only that a finding has been established.

There is a four-tiered approach to conformity. A project can be determined to be in conformance; in general conformance; not in conformance and not in the plan. All of the projects in this year's draft are being recommended by staff as being in conformance or in general conformance.

Following action by the Planning Commission, the finding will be forwarded to the Mayor for incorporation in the City Council review edition of the CIP. This will be issued in conjunction with the city's operating budget.

The City Council only approves the first year of the CIP. No formal action is taken on the remaining five years.

The Planning Commission review edition of the CIP and all subsequent editions are available on the city website at Lincoln.ne.gov.

FINANCE DEPARTMENT: Pershing Auditorium:

1. Tom Lorenz, General Manager of **Pershing Center**, stated that this 47-year-old building continues to meet the needs of the city but has an aging infrastructure. The CIP for Pershing continues to attempt to address the infrastructure needs and safety needs that the Center struggles with day-to-day.

FINANCE: Communications:

1. **Julie Righter**, manager of the 911 Center, stated that the two projects in the CIP have been in the plan for 2-3 years, and both are in regard to the radio shop space and the emergency 911 center. Both of these projects pertain to refurbishing, relocating or remodeling of the existing space, whatever is deemed the most efficient at the time funded. The 911 Center is applying for Home Land Security funds to assist in this endeavor.

FIRE & RESCUE:

1. **Fire Chief Spadt** presented the Fire & Rescue CIP, which includes 17 projects. We live in a thriving community with building permits issued at record pace. In order to deliver services to the entire population, the Fire Department must keep pace with the new growth. The Fire Department believes that there are currently areas with excessive response times. The goal is 4 minutes. The Fire Department must expand. Resources have been redistributed over time. The two major projects are fire stations for north and south. There would be major expense in apparatus for these stations when they come on line with the later reality of adding staff. Another project to be highlighted is the training campus at 3rd & South. Today the classrooms are old railroad cars. The maintenance facility is an old metal building serving a fleet of 50 vehicles. Three projects are station modifications, updates or relocation. Relocation of station 11 reflects a need to be closer to the residents of Airpark. Five projects are either replacement of apparatus or the addition of a new heavy rescue unit. One project involves technology in conjunction with the 911 center for automatic vehicle locators which allow the dispatchers to track all of the vehicles at all times with the ability then to respond with the closest vehicle to an emergency.

Marvin inquired as to the location of the two new fire stations and the cost to staff them. Spadt stated that 2005-06 would be first and would be located somewhere in the north area at a cost of approximately 2 million dollars to build the structure. It is listed as general obligation bonds and it would cost 1.5 million dollars to staff it, which is a continuing expenditure. These are stations that would contain two apparatus's, a ladder company and engine company, requiring 27 FTE's, each.

Bills-Strand inquired about the water tankers as we have been annexing areas with no hydrants in place. Spadt indicated that the Fire Department has relied on mutual aid agreements with abutting jurisdictions (rural fire departments), whose activity has increased. He is not sure we can mutual aid their tanker and he needs the certainty that we have the water source. None of the annexed areas have municipal water at this point.

Carlson inquired whether it is becoming more frequent to provide aid outside the city limits. Spadt answered in the affirmative, stating that Lincoln tends to go out when we don't ask for much help within the city. They have struggles with staff in the rural agencies and employers are less likely to let volunteers away from work to participate. We get called immediately to respond to their situation.

PARKS AND RECREATION:

1. **J.J. Yost**, Planning and Construction Manager for Parks and Recreation, stated that the Parks Department proposed CIP includes a total of 111 projects, essentially broken into categories of facility construction, trail development and construction, annual maintenance and repair, streets and park trees, Antelope Valley park and trail components, and the golf program. The 111 projects carry a total cost of 45.5 million dollars for the six-year period, including other funding and anticipated grants. We have classified all projects into priority A, B, and C. A equals public safety, ADA issues and master plan projects that will match outside funding; B equals community growth to meet the expanding community needs; and C equals desirable projects to expand or enhance recreational opportunities, as well as other routine maintenance programs.

There are about 49 projects in the first year, and most of the projects involve multi-year funding.

PUBLIC WORKS: StarTran:

1. **Allan Abbott**, Director of Public Works & Utilities, stated that the StarTran CIP over the next six years consists primarily of the purchase of additional buses and implementation of an automatic vehicle locator system. There are also some items as far as repair and maintenance. The automatic vehicle locator system is financed primarily with federal grant money received and implementation was started last year.

PUBLIC WORKS: Business Office (Parking):

1. **Allan Abbott**, Director of Public Works & Utilities, explained that during the first year the major project will be the construction of a new eastbound town parking garage, the location yet to be determined. There is a first phase study showing the need and the second phase study will determine the location. When the location is approved, the right-of-way will be acquired and the eastbound town parking garage will be

constructed. The remainder of the CIP is the routine maintenance of the existing garage facilities and routine upgrading of the equipment within the parking garage system.

PUBLIC WORKS: Streets and Highways:

1. **Allan Abbott**, Director of Public Works & Utilities, indicated that the street operations portion of the CIP has been developed in accordance with the Comprehensive Plan, which calls for growth within the Tier I area within a 15-year period. The projects as listed are those that are required to be constructed within that time-frame to be compatible with the growth the city anticipates. Unfortunately, the dollars are not there to fund all of the projects listed in the CIP. An attempt has been made with the CIP document to indicate the various funding sources for the projects. There are a couple of new terms. HB = highway allocation bond, which is the first time these were issued as a result of a wheel tax increase of \$5.00 last year and additional increases of \$5.00 in the future. Approximately 36 million dollars of highway allocation bonds were issued and are being used to finance projects both this year and in 2005-06. OF = other funds, which are from a variety of sources. The SRT Committee has been working the past year and a half to determine the various options for this funding. The various options have been presented to the public, including general obligation bonds, gasoline tax increase, formation of transit district, getting the state to help pay for the South Beltway, etc.

The increased residential resurfacing is being continued at about 100 blocks per year. The City Council recently passed an ordinance that requires Public Works to expend at least one million dollars in the residential street rehabilitation program. There is one-half million per year scheduled for sidewalk rehabilitation (\$250,000 from road funds and \$250,000 from general fund. If the funding package is acceptable, the resurfacing will increase to two million dollars per year, bringing it to 200 blocks per year.

Beginning with the second year, Abbott pointed out that the heavy black line in the CIP document represents the area where we will run out of money if we do not get additional funding packages. With the use of highway allocation bonds, the first year of the CIP is fundable with current revenues. Other than the HB funded projects, nothing below the black lines can be funded without additional revenues.

Marvin inquired as to the determination of HB or OF. What criteria do you use to establish the funding source? Abbott explained that the projects are prioritized within the various brackets. As far as wheel tax is concerned, they are pretty much specified by ordinance. We select those that the wheel tax can be used on. The federal projects are those that have to be on the federal system in order to use federal funds. The highway allocation bonds are some projects that have already started and we want to continue, such as 14th Street, 84th Street, etc. It is a judgment on the part of Public Works as to what projects should move forward.

2. Kent Seacrest appeared on behalf of **Meginnis Farms Joint Venture**, developers in support of the infrastructure recommendations. However, Seacrest is requesting to add modifications to open up the Stevens Creek area north of "O" Street sooner. His clients own the property north of "O" between Holdrege and "O" just east of SECC. The Comprehensive Plan shows this property as Tier I, Priority A, which is development in 1-12 years. The property is also shown for light industrial/employment center. An annexation, change of zone and preliminary plat have been submitted for this area, and they are currently in negotiations with the staff.

While the community seems to be discussing infrastructure and housing shortages, Seacrest suggested adding job shortage to the list. In an earlier comprehensive plan amendment today, an employment center in our community was deleted from the Comprehensive Plan. Seacrest would like to get at least this one on line as soon as possible because we think the "engine to our community's quality of life and economic prosperity is good jobs".

Seacrest submitted a specific set of amendments to bring infrastructure to this designated employment center faster than the CIP presently shows (Exhibit A). The City Council will deal with the specific dollar amounts, but he would request that the Planning Commission make a general finding that opening up this employment center is consistent with the Comprehensive Plan, which is in Tier I, Priority A, and shown as light industrial.

Seacrest also submitted a handout to encourage the community to adopt a modified CIP system (Exhibit B). A couple of years ago, the city did not follow the CIP very well by approving projects that were not in the CIP. Last year and this year, it looks like we're trying to master plan very precisely the whole 6-year process to the point where the strategic opportunities that aren't in that six-year plan are told that they cannot come in. Seacrest believes that this causes the community to miss the strategic job and housing opportunities. When the CIP is that precise in master planning, it discourages other economic development opportunities from coming forward. The result is that values are going up because we are creating an artificial situation. Furthermore, when you lock in the six years so tight, what do you do with the opportunities that show up such as an employer with 300-600 jobs? There needs to be some flexibility. This rigidity is creating inefficiencies. Seacrest is proposing a modified system where in the first couple years you have to follow the CIP precisely, but in the third, fourth, fifth and sixth year, there should be some money set aside for unique opportunities and to allow more flexibility in the market.

Marvin suggested that it's kind of a balancing act because the jumping around is inefficient and it costs the city money because we spend dollars paying people to design some road or development, and then two years later all those designs get put on the shelf because we're jumping somewhere else. Seacrest is not suggesting that we jump back and forth in the first and second year, but to say that we know what the market is going to be in the third, fourth, fifth and sixth years so precisely, discourages the private sector from coming forward with unique opportunities.

Marvin does not see how you reserve the funds. Seacrest believes there have been times in the past where we have done “place-holders”, such as Antelope Valley.

Carroll believes with “set aside funds” you run into the pressure where Public Works does not have the money to do the roads and infrastructure. Are you talking cash in the budget or the bonding capabilities? Seacrest is not talking about rehabilitation or repair. This is all for new growth. Some of this money in the third, fourth and fifth year is not hard dollars, so similarly that place-holder would just have those softer dollars. It allows the private sector to come forward and show they are ready before they get into the real CIP where it is committed.

3. Mike Rierden appeared on behalf of several clients in support of the proposed CIP and submitted letters in support from Lincoln Federal Savings Bank of Nebraska to maintain the priorities set forth in the CIP for the projects in 27th and Yankee Hill Road, i.e. #33, #44, #45 and #65 (Exhibit C); from Pioneer Woods LLC, owner of property on the northeast corner of 70th & Pioneers, to maintain the priorities set forth in the proposed CIP for project #37 (Exhibit D); and from South Industrial Park and Security Financial, owners of property at 14th and Old Cheney, to maintain or retain the priority set forth in the CIP for projects #12 and #36 (Exhibit E).

Rierden clarified that his clients are in support of what is currently shown in the proposed CIP. These projects have a habit of sometimes changing priorities and his clients asked that he come forward because these areas are under development now and it is critical that the priorities stay the same and are not set aside or reduced.

4. Peter Katt stated that he does not know what Seacrest handed out, but if it is a step toward politicizing the CIP process and having development interests come to try to reorganize priorities in the list, he is opposed. Traditionally, this has not been done through the CIP process – the process has been a city staff determination of priorities with which the development community works. It is a little difficult to address the specifics of what Mr. Seacrest has proposed without seeing it and he would have some concerns about it. He agrees that the creation of some pots of money is a good idea, but he does not know where that fits in connection with what the Commission has in front of it today.

Response by staff

With regard to Mr. Seacrest’s proposed amendment regarding 98th Street, Abbott suggested that it is a matter of what goes away if his amendment is approved, or the gap of \$785,000. We have utilized the dollars that we have, and have selected projects we thought had the highest priority for the additional revenue. The first six years are already within the area that is developed where we need to get traffic handled. 98th Street is not in that same category. The prioritization of this is very difficult. If you put the 98th Street development in, you have to take something out.

Insofar as the proposal to have more flexibility, Abbott indicated that the departments have been criticized in the past because there haven't been enough definite plans for the city to know where we are going to grow, and where and how the money is going to be spent. So now, we come forward with a CIP that is more firm. Now some people don't have what they wanted. It is difficult to plan a new area like Stevens Creek and say we are going to jump to the south end because you have to build from north to south to get there. As far as the internal sewer system, there would be nothing to which to connect unless we change the entire priority for getting the trunk line down to Holdrege. He agrees that there has to be some flexibility, but he does not believe putting a "place-holder" in is the way to do it. Abbott is nervous about making a change like this at this point in time. This would be a pretty drastic change.

Marvin noted that the development of 98th & Holdrege is about 8 years down the road. So, if you were to bring that in, would you be pumping over it and tapping into some other line? Abbott stated that there have been proposals for a force main system that the developer would pay for, but, again, he is concerned about changing the CIP at this time for the internal sewer system being constructed to get the trunk line there.

Marvin believes that in the past, it has been possible to jump the money around and re-prioritize projects. Abbott agreed that it can always be re-prioritized, but it also requires re-prioritizing something out of the program.

THE DRAFT FY2005-2007 AND 2008-2010 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE LINCOLN AND LANCASTER COUNTY PLANNING AREA (LINCOLN MPO).

1. Mike Brienzo of Public Works & Utilities and as staff for the Lincoln MPO, presented the TIP, which is prepared annually along with the CIP process and has public hearing before the Planning Commission. The TIP includes projects that are to be implemented by transit agencies within the Lincoln/Lancaster County area over the six year period. The objective is to include both federally funded and general fund projects for coordination of projects. To receive federal funding, a project must be in the TIP. Listings include "priority" and "out-year" projects. "Priority" is in the first three years and "out-year" is the second three years.

The TIP is developed in conjunction with the County Road and Bridge Program, the State TIP, and the City CIP. It includes projects from the state, county, and city as well as any transit programs, including section 5310 funded programs, enhancement funding projects, Airport Authority and the Railroad Transportation Safety District.

Brienzo submitted a list of amendments proposed by the MPO Technical Committee, which are minor changes that do not change the scope of any of the projects (Exhibit F).

The overall recommendation is that the TIP is in conformance with the Comprehensive Plan, which acts as the Long Range Transportation Plan (LRTP) for the MPO.

PUBLIC WORKS: Watershed Management:

1. **Allan Abbott**, Director of Public Works and Utilities, indicated that the primary projects are those anticipated to be constructed with a bond issue to finance the projects for the 2004-05 program. It also includes a continuation of the replacement of or the construction of additional storm sewers within the city in order to provide adequate stormwater drainage. There are also some major studies underway for the master planning of various basins to allow us to prevent or do what we can to diminish the potential for flooding that has occurred within the city in the past. This will be primarily financed with general obligation bonds. The OF designation in many instances represents working with the NRD and FEMA from federal grants.

PUBLIC WORKS: Street Maintenance Operation:

1. **Allan Abbott**, Director of Public Works and Utilities, stated that there are no major projects for the year 2004-05. Public Works is looking at a study for the replacement of the 33rd & Baldwin site, which will be relocated as a result of the Antelope Valley project. These are dollars that begin to study for the relocation of that facility. There are also some upgrades of the Gas Boy sites, essentially modernizing the pumps so that the automatic cards will allow the stations to pump gas. The system is rather antiquated and this is a modernization of that piece of equipment. They are also working with the NDOR to explore the opportunity of sharing of their facilities for this purpose.

PUBLIC UTILITIES: Water Supply and Distribution:

1. **Steve Masters** of Public Works and Utilities, stated that the phasing prioritization projects attempt to take into account what we need to complete the Tier I, Priority A area. The major components within water supply are source, treatment, transmission and storage, and distribution. Some activities to highlight include seven development districts which are identified as impact fee districts. This year there was some criticism that we had generalized those districts so we have tried to provide more detail. We continue to make investments in our security system upgrades. Year three identifies a transmission main that would complete the connection between Greenwood and the community. It is important to note the dollars shown to continue to look at additional source supply for the city.

PUBLIC UTILITIES: Wastewater:

1. Steve Masters of Public Works and Utilities, explained that the two big projects are the two treatment plants, which are now in the process of being bid. Year one identifies 35 million for wastewater to go toward capital construction. The trunk sewer projects are continued in Salt Valley and Beal Slough, which are needed to serve some of the development that has already occurred and the proposed growth as shown in the Tier I, Priority A area. Additionally, the CIP proceeds with projects in the Stevens Creek drainage. This year, in comparison to previous years, Public Works is identifying a substantially greater amount of replacement collector lines within the community.

Carlson asked for further clarification of Project #2, Replacement of Wastewater Facilities. Last year there was basically \$650,000 for selective replacement of mains, which was all coming from utility fees. This year it looks like there is substantially more at 1.9 million, with \$900,000 dedicated to replacement of mains and one million to Antelope Valley. It looks like the \$900,000 comes from revenue bonds and the Antelope Valley comes from utility rates. Is this revenue bonding that has already occurred? Do we have a safety net to make sure we are getting mains replaced in the older parts of town? Abbott responded, stating that they have identified main replacements within the city which happen to fall within the Antelope Valley corridor, but these are mains that would have had to be replaced with or without the Antelope Valley project. But, Carlson noted again that numerically, the number is still higher this year than last year. Do we have the funds available? Abbott explained that the user rates will pay for the retirement of the bonds as well as money for replacement of mains, depending upon the life of the replacement.

2. Margaret Remmenga of Public Works and Utilities stated that utility revenue is being used for those projects that are in the Antelope Valley area that are sanitary sewer replacement projects. The \$900,000 of revenue bonds is being used to cover projects A through J, which bonds have not yet been issued. We do have some sanitary sewer wastewater bonds that have been issued that will cover projects in the next fiscal year, but most of those projects include the Northeast treatment plant, Theresa Street projects, Salt Valley relief sewer projects and Beal Slough.

Carlson is wanting the city officials to express the professional confidence that we have enough secure money set aside to deal with the main situations. Remmenga stated that Public Works has put funding sources to the projects, but with the larger source of funding coming from revenue bonds, they are having to select more projects than in the past. If there is a desire to change the funding source on these replacement projects, that can be done and the revenue bonds can be reassigned to some newer projects.

Masters pointed out that the projects being built, i.e. the Salt Valley trunk line and Beal Slough phase 1 and 2, are projects that basically do serve the existing community and they do provide a safety net as far as the performance of the trunk sewer. Not all of the big dollar trunk sewer projects allow growth—a lot of them support the continued service of the existing community.

PUBLIC UTILITIES: Landfill:

1. **Steve Masters** of Public Works and Utilities, explained that the Landfill CIP continues to make investments in primarily the solid waste disposal operation at Bluff Road. Investments are anticipated along with the construction and demolition site on N. 48th. The CIP also looks toward expanding the recycling and dropoff program and to make investment in the composting operation located at Bluff Road. A 13.25 million dollar program is anticipated in the next 6 years, with year one at a level of \$700,000.

URBAN DEVELOPMENT:

1. **Marc Wullschleger**, Director of Urban Development, explained that the 17 projects look at slums and blighting in downtown, affordable housing, workforce development, economic development and real estate development. The 17 projects are grouped into five categories: 5 projects in downtown; 8 projects in community development out in the neighborhoods; large housing project in a neighborhood in Southwest Lincoln at 3rd & F Street in South Bottoms; two Antelope Valley projects; and Project #17 is a new project. Parks has helped Urban Development in past years on a lot of projects, and Urban Development is now returning the help and putting \$25,000 back in for parks in the low and moderate income neighborhoods.

Marvin asked for an explanation of CF funds. Wullschleger explained that these are TIF (tax increment financing) funds, which are Urban Development's major funding source. The funds are all based on leverage in Urban Development. This is not our only leverage. We also leverage community development funds from HUD, home funds from HUD and several other sources. It is a partnership with the city and the federal government and we use those federal tax dollars. The CF funds happen to be city local tax dollars that are used on projects.

LINCOLN ELECTRIC SYSTEM:

1. **Dan Pudenz**, Vice President of Engineering for **LES**, explained that the LES CIP is their best anticipated approach to covering growth in the City. They are showing facilities of both new and existing customers, with a CIP of just under \$346,000,000. It is anticipated that LES

will serve approximately 12,000 new customers, equating to 103 megawatts increase, which is equivalent roughly to the city of Fremont. This brings the total peak load on the system to approximately 850 megawatts. The CIP includes generation projects, base load generation, and transmission substation work. Street light amounts will also include a number of improvements as a result of Antelope Valley and some of the traffic signal work.

Carlson recited from the Comprehensive Plan: "Within the City of Lincoln, wherever feasible and affordable, implement a phased program to relocate overhead utility lines underground." He asked for an update on this strategy. Pudenz stated that the LES underground policy is used in relocations in conjunction with street projects whenever feasible and practical, and when requested by customers, LES will work with them as far as financing arrangements. Carlson inquired as to how many blocks of electrical lines are relocated underground per year. Pudenz stated that LES does not have a defined program; however, they are actively putting some underground. Any new additions are put in underground, which is an economic choice. As far as actively going into existing overhead areas, LES is not actively relocating facilities underground because of the economics.

Carlson does not understand why there cannot be any amount in a 98 million dollar capital budget allocated toward implementing a phased program. Pudenz indicated that it would have to be in addition to the projects being proposed. Typically, to place the electric utility underground, the costs may run in the neighborhood of 8-10 times what it costs to maintain the existing overhead facility. Outages are experienced on the underground system just as much as the overhead system. The outages are not storm related, but they do occur. The response is more expensive on the underground system.

Carlson wants to know if LES is accomplishing what the Comprehensive Plan calls for. Pudenz believes that they are, but they do not have a specific proactive block by block plan. Carlson does not see how they think they are accomplishing the goal. Bills-Strand commented that as streets are being torn up and easements are being made as we are widening arterials, it is more cost effective to put the utilities underground. Carlson believes we're asking them to do that and more. Bills-Strand understood that they were to continue to put things underground where feasible.

Marvin noted that on South Street we opened up the street and the neighbors asked for three blocks of the lines to go underground and there was no opportunity to do so between 24th and 27th. When he was on Infrastructure Financing, it was determined that the feasible time to do it was when the street was opened up. It seems like we are opening up streets and creating opportunity and he thinks there is a problem with defining "implementing a phased program to relocate overhead utility lines underground". LES is not taking the words and trying to determine the parameters since they don't have a regular program to

do this. Pudenz explained that South Street is a road rehabilitation project, and there are no conflicts with the existing distribution system. The LES underground policy talks about when facilities are in conflict with road projects.

2. Ron Kratzer, Manager of Distribution and Planning for LES, further commented that the 6-year plan shows three to four times more expenditures on an annual basis on underground versus overhead. LES is over 60% underground and 20 years ago we were zero. We are gaining on that at over 1% per year. We do have a plan. We don't have a plan to tear out existing infrastructure that is perfectly good. Opening up the street doesn't help LES any. Our facilities are not in the street. If the overhead facilities need to be removed, there is a window of opportunity to replace the facilities underground. The initial install cost is at least 2-3 times. Pudenz indicated that at the time of the 1997 snow storm, LES did an estimate of what it would cost to bury the entire system, which came up with a 500 million dollar expenditure to bury all of the existing overhead lines, which would have equated to a 20% rate increase over 20 years.

Kratzer believes that the LES policy actively promotes underground cable for all new distribution systems. If there is a conflict with a road project, they will bury the facilities underground. But there is no need to tear out existing infrastructure and waste it. That is not fiscally responsible. When we have an opportunity to do something, we do that. We are going underground on 84th, 40th north of Sheridan, Yankee Hill, and Pine Lake Road.

Carlson stated that people that were without power for five days might argue with LES that their program is responsible.

Taylor recalled this discussion previously and he thought the explanation was just as good as it is now and he is satisfied.

LINCOLN CITY LIBRARIES:

1. Carol Connor, Director of Libraries, pointed out that the Libraries do not have a project in the first year; however, the following year shows resurfacing at Gere Branch and roof replacement at South Branch, Bethany and Bennet Martin.

AREA AGENCY ON AGING:

1. June Pederson, Director of Aging, pointed out that there is nothing in the first year. For the past few years, there had been a request in the CIP to expand the northeast senior center. When we were asked to review that this year, we discussed alternatives. One interesting component is that we have been asked if that building and land might be for sale. If that land were of interest to another party, and we were able to sell it, what would we do to replace the

center? That opened up a world of ideas and options. We decided that we would propose to replace the northeast center. We have long talked about providing services in quadrants of the city. We have senior centers in the northeast quadrant that are in one building that we own that is overcrowded and overused, and we have two others that are located in church basements. The idea would be to close those to make one larger community center. We are in the process of looking at a feasibility study. The CIP calls \$340,000 in general revenue, and \$340,000 from the county and a total of 2 million in other financing over a two-year period. "Other financing" means we have to come up with it. We anticipate an extraordinary growth in the numbers of people in Lincoln at age 60 and above. By 2020 we will have a 65% increase, and by 2030 we will double the number of people we now have that are 60 and above. We must think about how to provide services and activities to this age group.

Marvin suggested that the aging number of seniors in our town is an illustration that we should not close the existing centers that we have. We need to expand the services and not contract. Pederson stated that this proposal would be an expansion.

Taylor inquired as to the types of services provided. Pederson listed case management services for people who are low income that might otherwise have to go to a nursing home; opportunities for people to socialize; activities; lifetime health program; nutrition; etc. They have 175 employees in 8 counties and a budget of 9.6 million.

POLICE:

1. **Rich Mackey**, Administrative Officer for the Police Department, pointed out that the only project is at the tail end of 2009-10, which is a master plan or study for potentially another full-service assembly like on North 27th Street & Holdrege for another one of the police teams.

FY2004/2005-2009/2010 CAPITAL IMPROVEMENTS PROGRAM

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Main Motion: Taylor moved approval of the staff recommendation, seconded by Carroll.

Motion to Amend: Carlson moved to amend to find that the LES portion of the CIP is not in conformance with the Plan, seconded by Marvin.

Carlson indicated that this amendment calls for LES to begin to implement a phased program. He believes it is ridiculous that they cannot find any money in this budget to start looking at the cost to do a phased program. He does not believe they have shown good faith and he does not believe they have data to show that they are doing what they have been asked to do.

Bills-Strand disagreed. She believes they are in conformance and are putting the facilities underground when it is appropriate to be done, and they are working with property owners when requested to do so. She believes they are acting fiscally responsible in trying to get it done.

Marvin pointed out that going from zero to 60% with underground facilities is simply because all new power lines are buried underground. It's easy to increase by 1% a year when the population grows by 1.5% a year. They need to define "feasible". He does not believe they are living up to the spirit of what has been asked of them.

Bills-Strand commented that "this sounds like sidewalks all over again—we want LES to pay for it—we want the city to pay for it". The property owners will have to participate in the cost to keep things fiscally responsible.

Motion to amend failed 3-3: Carlson, Marvin and Taylor voting 'yes'; Carroll, Krieser and Bills-Strand voting 'no'.

Carroll referred to the Seacrest proposals. He thinks they came a little late to take up today. He believes there might be some good ideas, but it is just too late to make changes. He thinks it is a good idea to look at "set aside funds" in the future.

Marvin is not so sure it's a good idea. He thinks Katt made a good point about politicizing and pushing around the CIP. We tried to figure out a way to deliver those services in the most efficient way, which means going on the straight line and building off the most direct line that we can with water and sewer, and then following along with roads. You will be robbing Peter to pay Paul. There isn't enough money to do it. He does not know how a "place-holder" can be put on multiple projects.

Carlson stated that he will support the main motion, but he hopes the Council takes to heart some of the comments about LES. The analogy to sidewalks is a perfect one. That situation eventually got so bad and the consumers went to the City Council to implement a policy to fix the problem. Unless LES is prepared to institute what is being asked, that may happen again.

Bills-Strand reminded the Commission that their role is not to deal with the financing or the budget and this should not be made into a political situation.

Main motion to find that the CIP is in full or general conformance carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

FY2005-2007 AND 2008-2010 TRANSPORTATION IMPROVEMENT PROGRAM.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 19, 2004

Carroll moved to approve the staff recommendation of a finding of general conformance with the Comprehensive Plan, with the amendments proposed by the MPO Technical Committee, seconded by Carlson and carried 6-0: Carlson, Marvin, Taylor, Carroll, Krieser and Bills-Strand voting 'yes'; Larson, Sunderman and Pearson absent.

There being no further business, the meeting was adjourned at 4:35 p.m.

MOTION TO AMEND

I hereby move to amend the draft six year Capital Improvements Program (CIP) for FY 2004/2005-2009/2010 and the draft FY 2005-2007 and 2008-2010 Transportation Improvement Program (TIP) for the Lincoln and Lancaster County planning area (Lincoln MPO) as prepared by the Lincoln City/Lancaster County Planning Staff to read as follows:

A. Public Utilities—Wastewater System

1. In the FY 2007/2008, add a 30 inch internal sewer trunk line near N. 98th Street from Holdrege Street in a southwest direction along the creek drainage way for approximately two-thirds of a mile at a cost of \$684,000.

2. In the FY 2009/2010, extend a 30, 27 & 24 inch internal sewer trunk line near N. 98th Street in a southwest direction along the creek drainage way for approximately one-fifth of a mile at a cost of \$199,500.

B. Public Utilities—Lincoln Water System

1. In the FY 2008/2009, modify Project #7D (Mains in Area #4) by moving the Holdrege water main section between approximately N. 103th Street and N. 112th Street to "O" Street between N. 84 Street to N. 98th Street.

C. Public Works—Streets/Traffic

1. In the FY 2007/2008, add the three lane urban arterial road section for N. 98th Street for approximately two-fifths of a mile from Holdrege Street to the south at a cost of \$795,600.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, P.C.



SECOND DRAFT: May 19, 2004

A. Modified Proposal to Integrate Comp Plan & CIP System (starting in 2004/05)

Introduction

When both the public and private sector work together and leverage each other's dollars Lincoln's quality of life and economic prosperity are maximized. Implementation of private sector investment decisions often occur rapidly. The private market place is very fluid. New employers identify Lincoln on their "short lists" of potential new locations. There are changes in land ownership, in and out migration patterns shift, birth and death rates change, and automobile and mass transit usage fluctuates. There are changes in state and federal governments approve local mandates and technology, social, political, economic and environmental matters.

Public infrastructure investments often take a longer lead time -- 1 to 2 years to sequence and even longer for the larger investments (e.g., big transmission systems and treatment facilities). Public infrastructure decisions want to be based upon efficiencies, fairness and smart growth. Yet, private sector investment decisions are dependent upon the timing of public infrastructure decisions. When one of the sectors fails to coordinate with the other sector, the community's overall quality of life and economic prosperity is diminished.

From One Inefficient Extreme to Another

In years past the City would make many amendments and alterations to the 1/6 Year CIP. As private sector developers identified "sweet spots" and brought good projects forward that were not in the 1/6 CIP, the City would readily amend the CIP as part of the development's approval. While this system allowed the City to quickly respond to the private sector strategic development opportunities, it caused some public sector inefficiencies and delinquencies in utilities and road networks. Unanticipated, the City often did not have design plans ready, right of way acquired and took some short cuts that left gaps or deficiencies in the public utilities and road networks. The result was the City's limited public resources could not keep up with the community's growth patterns.

In the 2003/04 CIP, the City made great strides at integrating the Capital Improvement Budget and Plan and the new Comprehensive Plan. This integration effort will generate many public benefits. Yet, like any new major initiative, further refinements are necessary to better maximize the integration effort.

The current CIP system for 2004/05 is designed to specifically identify public improvements six years out. With the infrastructure gap problems, the finite public CIP commitments become even more of a limitation to economic development opportunities. Strategic private sector development opportunities that now come along that are not specifically identified in the six year CIP are generally told to wait because the City does not want to amend the CIP and rekindle the past public inefficiencies, especially when public infrastructure dollars are so limited. In turn, the community misses out on some needed new jobs, houses, retail opportunities, etc.

Meanwhile, the lack of CIP flexibility is telling certain farmers and property owners that on a date certain, their land will be improved with public infrastructure without any effort or commitments on their part. Instead, these small numbers of landowners now know that they are the "only games in town". They can ask a higher selling price. The City has unintentionally limited supply and caused the supply/demand market to get out of kilter. This has led to the highest increase in raw land values in over twenty years. In turn, the higher raw land values will either lead to finished real estate prices far outstripping people's income or diminished economic opportunities.

A year or two ago, certain property owners and developers informed the City they want to develop an area that the Comp Plan identifies without a formal land use submittal or defined economic commitment. The City responded

EXHIBIT

B

last year by putting the required public infrastructure in the six year CIP to serve these property owners. Yet, the new infrastructure will open up and improve other properties who either:

- Do not want to sell their property for a variety of reasons;
- Will some day sell, but only after “dad dies and the heirs can get a step-up in basis and avoid paying large sums of capital gain taxes to the federal and state governments”; or
- Desire to implement a land use that is not called for in the Comp Plan.

Without a critical mass of committed property owners willing to sell or develop their land with desirable land uses in a timely manner, the public infrastructure investment does not leverage enough timely and desirable development. When other Comp Plan identified properties come forward with enough critical mass of acreage and economic commitment, but are not shown to be served in the 1/6 Year CIP, the City can't take advantage of the opportunity because the public funds are “committed elsewhere”. The result is the public investment is less efficient and has less return than the City had hoped. Unfortunately, the City has traded one set of inefficiencies for another set of inefficiencies.

Need for Additional Flexibility in the Outer Years (3rd, 4th, 5th and 6th years):

The CIP Process needs to find a new middle ground:

1. As a general premise, the first couple of years of the CIP should not be amended, except in extraordinary and unusual events—severe economic downturn, major new employer wants to add hundreds of new jobs, Kroc Grant opportunities, etc. The relative certainty in the first couple of years would allow the City to be efficient and have infrastructure design plans ready, right of way acquired and minimize gaps or deficiencies in the public utilities and road networks.

2. In the later years (3rd, 4th, 5th and 6th year), the CIP should have more “placeholder” categories which set aside certain infrastructure monies without identifying the specific infrastructure improvements. This placeholder approach in the later years would encourage the following:

- Provide more competition in the market place. A small number of farmers and property owners would not be able to sit back and be the “only games in town.” With more competition, these property owners would no longer get excessive selling prices. Instead, the property owners that are willing to develop would have to come forward with enough critical mass of acreage and economic commitment.
- Allow Comp Plan identified properties to come forward with enough critical mass and economic commitment. These properties should be able to compete for inclusion in the third or fourth year of the CIP. The City would have Placeholder dollars that could be committed to take advantage of these strategic private sector opportunities.

Definitions:

1. **"Improvement"** means a public off-site road, water, sanitary sewer, park or trail infrastructure improvement.
2. **"Budgeted Improvement"** means an Improvement that will be implemented in the first year (Capital Improvement Budget) of the 1 to 6 year Capital Improvement Plan. The City has legal authority to:
 - Design
 - Condemnation
 - Utility Relocation & Construction.
3. **"Scheduled Improvement"** means an Improvement that is generally needed in the 2nd to 4th year of the 1 to 6 year Capital Improvement Plan. The City has legal authority to:
 - Design
 - Condemnation (in some cases)

This category means the Improvement will be sequenced for Construction in a later year CIP. It would be prudent to have a portion of the monies in the 2nd, 3rd and 4th year allocated in a placeholder category to accommodate unforeseen needs and opportunities.
4. **"Placeholder Improvement"** means an Improvement that is generally needed in the 5th & 6th year CIP. The City would generally not have any legal authority to proceed with condemnation, utility relocation or construction. The City may want to give the green light to allow design of the Placeholder Improvement.
5. **"Tier 1-Priority A Map Improvement"** means an Improvement that is shown in the Comprehensive Plan as generally needed in the next twelve years. As part of the annual Comp Plan Update process, a Tier 1-Priority A Map would be revised to shown the necessary Improvements needed in the next 12 years to a) increase capacity in Built Environment and b) annex and initially open up Tier 1-Priority A Areas.
6. **"Tier 1-Priority B Map Improvement"** means an Improvement that is shown in the Comprehensive Plan as generally needed in the 13th to 25th year period. As part of the annual Comp Plan Update process, a Tier 1-Priority B Map would be revised to shown the necessary Improvements needed in the 13th to 25th year to a) increase capacity in the Built Environment and Tier 1-Priority A Areas and b) annex and initially open up Tier 1-Priority B Areas.
7. **"Tap Loan Fees"** are the prorated share of the loan amount the City requires a third party property owner to loan to utilize or tap the accelerated infrastructure improvement and those prorated loan amount proceeds would be repaid to the private sector party who made the earlier infrastructure improvement loan to the City. The prorated loan share paid by the third party property owner would be calculated by the City assuming the loan amount would be substantially equal to the loan amount the third party property owner would have contributed to the City had the third party property owner joined together with the original private sector party and initially and jointly made the original loan to the City based upon a fair and equitable cost sharing formula (e.g., acres, front footage, etc) between the original private sector party and third party property owner. Any Tap Loan Fees collected by the City from a third party property owner would be paid to the original private sector party.

	Year	Category of Improvement	Description / Enabling Powers	Modification Process When Infrastructure Accelerated City Council may waive or modify the minimum standards
Capital Improvement Plan (CIP)	1	Budgeted Improvement	Item becomes a firm project Authority to: 1. Design 2. Condemnation 3. Utility Relocation & Construction	Traditional Process

	2, 3, 4	Scheduled Improvement	<p>Item becomes scheduled for sequencing: Design, Condemnation, & Construction</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Design 2. Condemnation (in some cases) 	<p>To accelerate and classify an infrastructure improvement constructed in current fiscal year), City Council needs to:</p> <ol style="list-style-type: none"> a) loan City the funds without interest and City pay back when collected and the remaining principal payment(s) full in the year(s) shown for that Improvement as a Scheduled Improvement b) pay for any cost differential (if measurable) attributable to the improvement
	5, 6	Placeholder Improvement	<p>Item is shown on the Tier 1-Priority A Map in the Comp Plan and is <u>eligible</u> to become a Scheduled Improvement in future CIP</p>	<p>To accelerate and classify an infrastructure improvement constructed in current fiscal year), City Council needs to:</p> <ol style="list-style-type: none"> a) loan City the funds without interest and City pay back when collected and the remaining principal payment(s) full in the year(s) shown for that Improvement as a Placeholder Improvement b) pay for any cost differential (if measurable) attributable to the improvement <p>To accelerate and classify an infrastructure improvement CIP and Private Sector needs to:</p> <ol style="list-style-type: none"> a) suggest an offsetting delay in another Scheduled Improvement a) loan the City the funds without interest and City pay back when collected and the remaining principal payment(s) full in the year(s) shown for that Improvement as a Placeholder Improvement b) pay for any cost differential (if measurable) attributable to the improvement

Comp Plan	1 through 12	Tier 1-Priority A Map Improvement Comp Plan shows infrastructure maps for Built Environment and Tier 1-Priority A Areas (first 12 year period)	Item is shown on the Tier 1-Priority A Map in the Comp Plan as Infrastructure needed in the next 12 years to : a) increase capacity in Built Environment b) annex and initially open up Tier 1-Priority A Areas	To accelerate and classify an infrastructure improvement CIP and Private Sector needs to: a) suggest an offsetting delay in other Scheduled Items b) loan the City the funds without interest and City when collected and the remaining principal payment in full within 4 years. To accelerate and classify an infrastructure improvement amend CIP and Private Sector needs to suggest a delay to the City.
	13 through 25	Tier 1-Priority B Map Improvement Comp Plan shows infrastructure maps for Built Environment, Tier 1-Priority A and Tier 1-Priority B Areas (second 12 year period)	Item is shown on the Tier 1-Priority B Map in the Comp Plan as Infrastructure needed in 13 to 25 years out to: a) increase capacity in Built Environment and Tier 1-Priority A Areas b) annex and initially open up Tier 1-Priority B Areas	To accelerate and classify an infrastructure improvement needs to amend Comp Plan and Private Sector needs to: a) suggest an offsetting delay or removal of other items from the City.

Notes:

1. "Impact Fees" will be paid back annually from the impact fee funds collected from the private sector's development area.

B. Temporary Pumping Station Standards

1. Pumping stations, force mains, siphons and related pressurized lines and facilities that are not part of the long term gravity flow system (individually and collectively "Pumping Station") would only be used on an interim basis. Gravity flow sanitary sewer lines are a better long term strategy. A Pumping Station may be used on a long term basis to permit transmission of sewage under a natural stream.
2. A Pumping Station may be considered in Tier 1-Priority A Areas; provided that the permanent gravity trunk line is shown in the Comprehensive Plan as a Tier 1-Priority A Improvement. Pumping Stations would not be considered for areas shown in the Comp Plan as Tier 1-Priority B, Tier 2 and Tier 3.
3. The receiving gravity flow trunk and receiving treatment facility must have reasonable capacity (based upon actual and projected flow conditions) to receive the extra flow during the interim period based upon a reasonable build-out scenario for any undeveloped lands being served by the receiving gravity flow trunk and receiving treatment facility. (Note: need Olsson Associates help to expand and clarify. This is a major issue to clarify)
4. The capital design, right of way and construction costs, along with the operating and maintenance costs associated with an interim Pumping Station would be funded by the private sector parties whose properties will be served by the Pumping Station. Where practical, the Pumping Station would be located in a City/County right of way or utility corridor without charge to the private sector.
5. If a private sector party requests a Pumping Station, then the requesting private sector party must contact other property owners in the sub drainage basin who potentially may be served by the Pumping Station if properly sized. The other third parties must be invited to participate in funding the capital/maintenance/operating costs on a fair share basis, based upon a buildable acreage pro-ratio or other formula acceptable to the City.
6. The City would be responsible for approving the design of the Pumping Station. The Pumping Stations would be required to have back up pump(s) and electrical system in case of operational or power disruption or to allow maintenance and repairs.
7. The City would review and approve the design for the Pumping Station prior to construction.
8. The City would own and operate the Pumping Stations.
9. When the long term gravity flow trunk is available, the City will pay the cost to properly abandon, remove and/or cap the interim Pumping Station and shall have salvage rights to the Pumping Station.

C. Other Sanitary Sewer Facilities Standards

D. Water Facilities Standards

E. Road Standards

F. Parks and Trail Standards

G. Other Community Services Standards

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
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LINCOLN, NE 68508

TELEPHONE (402) 476-2413
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May 19, 2004

Lincoln/Lancaster County
Planning Commission
555 South 10th Street
Lincoln, Nebraska 68508

RE: City of Lincoln Capitol Improvement Program, 2004-2010

To Whom It May Concern:

Please be advised that I represent Lincoln Federal Savings Bank of Nebraska and a number of other investors concerning a tract of ground consisting of approximately 580 acres bounded by South 27th Street on the west and South 40th Street on the east and Yankee Hill Road on the north and Rokeby Road on the south. The purpose of this letter is to request that the following projects retain the priority as shown in the 2004-2010 Capitol Improvement Program:

1. Project No. 33, Yankee Hill Road-South 27th Street to South 40th Street
2. Project No. 44, South 27th Street-one quarter mile south of Pine Lake Road to Yankee Hill Road
3. Project No. 45, South 27th Street-Yankee Hill Road to Beltway
4. Project No. 65, South 40th Street-one quarter mile south of Yankee Hill Road to Rokeby Road

My clients are currently proposing a community center in the northwest quarter of the subject property along with 640 residential units. In the next year or so we will also be proposing a 77 acre employment center along South 40th Street with additional housing and a proposed school site. It is important that the aforementioned projects retain their priority status to accommodate the future development in the area. If you should have any questions please feel free to contact me.

Yours very truly,

J. Michael Rierden

JMR/jdr



J. Michael Rierden
ATTORNEY AT LAW

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May 19, 2004

Lincoln/Lancaster County
Planning Commission
555 South 10th Street
Lincoln, Nebraska 68508

RE: City of Lincoln Capitol Improvement Program, 2004-2010

To Whom It May Concern:

Please be advised that I represent Pioneer Woods L.L.C. who is the owner of the office/commercial center located at 70th and Pioneers Boulevard (northeast corner). The purpose of this letter is to request that the following projects retain the priority as shown in the 2004-2010 Capitol Improvement Program:

1. Project No. 37, Pioneers Boulevard-Antelope Creek to Pagoda Lane

As you know, significant development has taken place at the intersection of 70th and Pioneers Boulevard and it is important for the aforementioned project to retain it's priority status because of the increased traffic on Pioneers Boulevard between 70th and 84th Streets. If you should have any questions please feel free to contact me.

Yours very truly


J. Michael Rierden

JMR/jdr



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May 19, 2004

Lincoln/Lancaster County
Planning Commission
555 South 10th Street
Lincoln, Nebraska 68508

RE: City of Lincoln Capitol Improvement Program, 2004-2010

To Whom It May Concern:

Please be advised that I represent South Industrial Park and Security Financial who are the owners of the property generally located at the intersection of 14th and Old Cheney Road. The purpose of this letter is to request that the following projects retain the priority as shown in the 2004-2010 Capitol Improvement Program:

1. Project No. 12, 14th Street-Old Cheney Road to one-quarter mile north of Pine Lake Road
2. Project No. 36, 14th Street-Old Cheney Road-Wallick Boulevard intersections

It is important that these projects retain their priority status due to the significant development in the area. If you should have any questions please feel free to contact me.

Yours very truly,

J. Michael Rierden

JMR/jdr



Lincoln-Lancaster FY 2005-2010 Transportation Improvement Program

MPO Technical Committee Amendments (May 11, 2004)

STATE PROJECTS

<u>Project #</u>	<u>Control #</u>	<u>Comment</u>
1-3		These 3 projects are City Projects and noted as "listed in City Section."
6	12748	This project is Dead. (minor maintenance work to be done by state).
9	12653	Type of work = Dowel Bar Retrofit Grinding (not bridge repair as listed)
16	12284	Type of work = Landscaping (not grading as listed).
22-23		These 2 projects are City Projects and noted as "listed in City Section."
37		This project is a City Project and noted as "listed in City Section."
45	12464	err: CN = 12464 (not 12466), Project # = NH-80-9(837) (not (839))
53		This project is a City Project and noted as "listed in City Section."

COUNTY PROJECTS

Add status of last year's projects (attached)

5	12384	This project is reprogrammed, identify as reprogrammed in FY2005.
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CITY PUBLIC WORKS PROJECTS

Add status of last year's projects (attached)

2-3	NA	Federal Safety Funded projects in the first year are to be listed as (pending approval) and CN identified when available.
16	11215e	Add CN
17-18	11215	Add CN
21	11215h	Add CN
26	11215k	Add CN
28	11215b	Add CN
29	12578	Add CN. Need to state: "Federal Discretionary Funds being are sought"
30	12572	Add CN
48	12744	Add CN

STARTRAN

Pg D-6 Operations Funding: The Section 9 funds are to be referenced as Sec 5307 FTA funds. (Section 9 is an ISTEA reference)



Status of Previous Years Projects

Completed or Under Contract in FY 2003-2004

- South 68th Street - Roca Road to Saltillo Road
- West Sprague Road - Bridge T-109

Date: May 2004

Status of Previous Years Projects

Completed or Under Contract in FY 2003-2004

- "O" Street - Eastridge Drive to Wedgewood Drive (Phase 2)
- "A" Street Salt Creek Bridge Replacement
- West Fletcher Avenue - NW 20th Street to NW 13th Street
- Antelope Valley Phase 1 Project - Military Bridge and Roadway
- Antelope Valley Phase 1 Project - Vine Street Bridge and Roadway
- Antelope Valley Phase 1 Project - "Y" Street Bridge and Roadway
- Antelope Valley Phase 1 Project - BNSF Bridge (one of three RR Bridges)
- South and East Beltway Project (Preliminary Engineering)
- 14th Street - Old Cheney Road to 1/4 mile north of Pine Lake Road.
- Replace Harris Overpass - 3rd to 9th Street (Preliminary Engineering)
- Vine Street - 21st Street to 26th Street
- Antelope Valley Phase 1 Project - Big "T" Project (Preliminary Engineering)
- 98th Street - Highway 6 to "A" Street (Environ. Study, Functional Design of Water and Urban Arterial)
- Antelope Valley Phase 1 Project - "O" Street Bridge and Road (Preliminary Engineering)
- Antelope Valley Phase 1 Project - "J" Street Bridge (Preliminary Engineering)
- Antelope Valley Phase 1 Project - "K" Street to "Q" Street Roadway (Preliminary Engineering)
- Antelope Valley Phase 1 Project - "Q" Street to "Y" Street Roadway (Preliminary Engineering)
- Miscellaneous, Emergency and Safety Projects (27th & "O", 27th & Hwy 2, and 40th & Sheridan)